

Appl. No.: 10/687,561  
Response dated October 16, 2006  
Reply to Office Action of June 14, 2006

### **REMARKS**

This is in response to the Office Action dated June 14, 2006. Claims 16, 19, 21-22, 39, and 42-45 are cancelled. Claims 67-75 are new. Claims 1-2, 4-15, 17-18, 20, 23-38, 40-41, and 46-75 are pending in the application. No claim stands allowed.

In the Office Action, the Examiner has issued an art rejection of the claims, applying a total of 15 different references, specifically, one publication reference (the "52 foot SRC configuration" publication) and 14 different patent references as follows:

<u>Patent No.</u>	<u>Title</u>	<u>Inventor</u>
2,995,104	Boat	Mills
3,785,316	Heavy Duty Swivel Platform Conveyor	Leming, et al.
3,426,367	Collapsible Supporting Structures	Bradford
5,353,727	Collision Guard for a Vessel	Goldman
4,774,902	Mid-Planing Hull	Sinclair
5,063,868	Boat Hull for V-Bottom Powerboats	Fink
2,979,010	Ship Stabilization System	Braddon, et al.
6,062,922	Watercraft Propulsion System	Nanami
5,317,982	Ship	Jägers
4,566,397	Crew Boat	Cavanaugh, et al.
5,438,944	Surface Mounted Collapsible Mooring Cleat and Housing	Burke
1,423,576	Towing Vessels	Miller
6,089,174	Removable Personal Watercraft Storage System	Slikkers, et al.
3,859,681	Vessels	McVay, et al.

The Examiner issued a rejection of claim 4 under 35 U.S.C. §112. The Examiner correctly notes at paragraph 8 of the Office Action that claim 4 should depend from claim 1. Claim 4 has been amended to depend from claim 1 and is now believed proper under 35 U.S.C. §112.

At paragraph 5 of the Office Action, the Examiner indicates that claims 1 and 9-11 are

Appl. No.: 10/687,561  
Response dated October 16, 2006  
Reply to Office Action of June 14, 2006

rejected under 35 U.S.C. §102(b) as anticipated by the 52 foot SRC configuration publication.

At paragraphs 6-7 of the Office Action, the Examiner indicates that claims 24-29, 31-34, 38-41, 45, 57-59 and 61-63 are rejected under 35 U.S.C. §103(a) as unpatentable over Mills in view of the 52 foot SRC publication.

The Examiner indicates that claims 4, 12, 13, 53 and 55 are rejected under 35 U.S.C. §103(a) as unpatentable over the 52 foot SRC publication.

The Examiner rejected claims 7 and 8 under 35 U.S.C. §103(a) as unpatentable over the 52 foot SRC configuration publication in view of Bradford. That rejection is contained at paragraph 9 of the Office Action.

The Examiner rejected claim 6 under 35 U.S.C. §103(a) as unpatentable over the 52 foot SRC publication in view of Leming, et al. That rejection is contained at paragraph 10 of the Office Action.

The Examiner rejected claim 14 under 35 U.S.C. §103(a) as unpatentable over the 52 foot SRC publication in view of Goldman. That rejection is contained at paragraph 11 of the Office Action.

The Examiner rejected claims 15, 49 and 54 under 35 U.S.C. §103(a) as unpatentable over the 52 foot SRC publication in view of Sinclair. That rejection is contained at paragraph 12 of the Office Action.

The Examiner indicates that claim 50 is rejected under 35 U.S.C. §103(a) as unpatentable over the 52 foot SRC publication in view of Fink. That rejection is contained at paragraph 13 of the Office Action.

The Examiner indicates that claim 51 is rejected under 35 U.S.C. §103(a) as unpatentable over the 52 foot SRC publication in view of Braddon. That rejection is contained at paragraph 14 of the Office Action.

The Examiner rejected claims 16-22 under 35 U.S.C. §103(a) as unpatentable over the 52 foot SRC publication in view of Nanami. That rejection is contained at paragraph 15 of the Office Action.

Claim 23 was rejected under 35 U.S.C. §103(a) as unpatentable over the 52 foot SRC publication in view of Nanami as applied to claim 22 and further in view of Jägers. That

Appl. No.: 10/687,561  
Response dated October 16, 2006  
Reply to Office Action of June 14, 2006

rejection is contained at paragraph 16 of the Office Action.

The Examiner rejected claim 56 under 35 U.S.C. §103(a) as unpatentable over the 52 foot SRC publication in view of Cavanaugh, et al. That rejection is contained at paragraph 17 of the Office Action.

Claim 30 was rejected under 35 U.S.C. §103(a) as unpatentable over Mills in view of the 52 foot SRC publication as applied to claim 24 and further in view of Bradford. That rejection is contained at paragraph 18 of the Office Action.

Claims 37 and 42-44 were rejected under 35 U.S.C. §103(a) as unpatentable over Mills in view of the 52 foot SRC publication as applied against claim 24 and further in view of Goldman. That rejection is contained at paragraph 19 of the Office Action.

Claim 46 was rejected under 35 U.S.C. §103(a) as unpatentable over Mills in view of the 52 foot SRC publication as applied against claim 24 and further in view of Jägers. That rejection is contained at paragraph 20 of the Office Action.

Claims 47 and 48 were rejected under 35 U.S.C. §103(a) as unpatentable over the 52 foot SRC publication in view of Goldman as applied to claim 14 and further in view of Burke. That rejection is contained at paragraph 21 of the Office Action.

The Examiner rejected claim 59 under 35 U.S.C. §103(a) as unpatentable over Mills in view of the 52 foot SRC publication as applied to claim 24 and further in view of Braddon. That rejection is contained at paragraph 22 of the Office Action.

The Examiner rejected claim 52 under 35 U.S.C. §103(a) as unpatentable over the 52 foot SRC publication in view of Miller. That rejection is contained at paragraph 23 of the Office Action.

The Examiner rejected claim 60 under 35 U.S.C. §103(a) as unpatentable over Mills in view of the 52 foot SRC publication as applied to claim 24 and further in view of Miller. That rejection is contained at paragraph 24 of the Office Action.

The Examiner rejected claims 65 and 66 under 35 U.S.C. §103(a) as unpatentable over Mills in view of the 52 foot SRC publication and Goldman as applied against claim 37 and further in view of Burke. That rejection is contained at paragraph 25 of the Office Action.

The Examiner rejected claim 64 under 35 U.S.C. §103(a) as unpatentable over Mills in

Appl. No.: 10/687,561  
Response dated October 16, 2006  
Reply to Office Action of June 14, 2006

view of the 52 foot SRC publication as applied against claim 24 and further in view of Cavanaugh. That rejection is contained at paragraph 26 of the Office Action.

The Examiner rejected claim 19 under 35 U.S.C. § 103(a) as unpatentable over the 52 foot SRC publication in view of Slikkers, et al. That rejection is contained at paragraph 27 of the Office Action.

The Examiner rejected claims 12 and 13 under 35 U.S.C. § 103(a) as unpatentable over the 52 foot SRC publication in view of McVay. That rejection is contained at paragraph 28 of the Office Action.

These rejections are respectfully traversed.

There are two independent claims in the case. These are claims 1 and 24. Claim 1 has been amended to point out that the hull includes a v-bottom and the upper deck area includes an open stern deck area. Claim 1 has also been amended to state that the stern deck area begins at a position at the rear of the pilot house and extends to the stern. The stern deck open area is claimed as extending from the port to the starboard side of the hull, and is claimed as being configured to enable air lift transfer of a litter from the rear deck area. New additions to claim 1 include elements "i", "j", "k" and "l". In element "i", a hull transom is claimed that extends from a position at the deck area downwardly to the hull v-bottom. Propulsion units are claimed as mounted to this transom and above the v-bottom. Claim 1 also claims floatation chambers that are spaced laterally away from the propulsion unit(s) and attached to both transom and fan tail. This claimed configuration (amended claim 1) can be seen in figures 4 and 11 of the drawings.

Claim 24 has been amended in element "a" to state that the transom extends from a position next to the hull deck area and downwardly to the v-bottom. The transom is also claimed in element "a" of claim 24 as extending from the port side to the starboard side. In claim 24, element "b", the stern deck area is claimed as including an open area that extends from the pilot house to the rear of the fan tail and from port to starboard sides of the hull. The propulsion system in element "c" of claim 24 has been amended to state that the water jet unit(s) are mounted to and extend behind the transom. Claim 24 element "d" has been amended to state that the buoyancy chambers are attached to the transom and lower surface of the fan tail and extend

below the fan tail and behind the transom.

The Mills reference does not provide a transom that extends from port to starboard of the hull and that extends from a position next to the deck downwardly to a v-bottom. Rather, Mills provides a hull bottom that is elliptical. Likewise, the upper decking is elliptical. These elliptical surfaces are said to be formed as surfaces of revolution generated by an elliptical arch revolved around the vertical central axis of the boat. Therefore, the hull of Mills does not provide the claimed hull having a v-bottom and a transom that extends from port to starboard and from an area next to the upper decking and downwardly to the v-bottom. This is important because applicant claims propulsion units that are mounted to the transom above the v-bottom and that extend rearwardly from the transom and under the fan tail.

The apparatus of the present invention is designed to function as a shallow water rescue vessel that can back into tight positions such as next to a damaged or sinking vessel when retrieving survivors. In this fashion, the v-hull, transom, propulsion units, fan tail, buoyancy chambers all contribute to a design that is safe for rescuing persons from a damaged or sinking vessel and yet seaworthy in rough seas. The upper surface of the transom contributes to a large stern open deck area configured to enable air lift (helicopter hoist) of a litter with an injured survivor.

The Examiner relies upon the 52 foot SRC publication. That vessel does not provide any fan tail, nor any propulsion units mounted to a transom at a position that is above the v-bottom and under the fan tail. Rather, the 52 foot SRC extends a shaft through the bottom of the hull exposing the propeller well below the v-bottom. This configuration has disadvantages in that it does not allow rescue in shallow water which is one of the objects of the present invention.

The Examiner also relies upon the references Leming, Bradford, Goldman, Fink, Braddon, Nanami, Jägers, Cavanaugh, Burke, Miller, Slikkers, and McVay. None of those references taken alone nor in combination suggest the subject matter now sought to be patented.

Leming admittedly shows a helicopter on the deck of a vessel. However, Leming does not provide any discussion of transom, fan tail, floatation chambers and propulsion units as claimed nor would Leming be suitable for shallow water rescue operations as the present invention is directed.

Bradford shows a collapsible litter. It does not disclose nor suggest the combination as claimed.

The Examiner relies upon Goldman. Goldman shows a collision guard means mounted on the exterior of opposing walls of a vessel. Goldman does not disclose nor suggest the combination sought to be patented. Goldman does not disclose the claimed open stern deck area nor the transom having a v-bottom nor propulsion units that do not extend below the v-bottom nor the floatation chambers as claimed.

Sinclair is cited by the Examiner. Sinclair simply shows a v-bottom hull as does Slikkers. These references do not disclose the amended claimed arrangement of open stern deck area, transom, fan tail, floatation chambers and propulsion unit(s).

The Examiner relies upon Braddon. Braddon fails to disclose the claimed combination. Specifically, Braddon does not provide any disclosure of a hull having an upper deck area that includes the open stern deck area as claimed nor the claimed propulsion system nor the fan tail and transom and floatation chamber arrangement that is now sought to be patented in amended claims 1 and 24.

The Examiner relies upon Nanami. Nanami simply discloses the general concept of a water craft propulsion system. Nanami is directed to a personal water craft (see column 1, lines 1-13). Nanami thus does not disclose nor suggest a hull configuration that includes the pilot house, stern open deck area, fan tail, and floatation chambers as claimed. There is no suggestion in Nanami to combine Nanami with any of the other references of record to provide the shallow water rescue vessel as claimed.

The Examiner relies upon Jägers in combination with the other references. Jägers does not disclose the claimed 1 and 24 subject matter nor suggest such a combination. The Burke reference is directed to a cleat. The Examiner relies upon Burke as disclosing flush mount cleats. However, Burke does not disclose the subject matter from which claims 47 and 48 depend which includes a specifically claimed deck and hull configuration of now amended claims 1 and 24.

The Examiner relies upon Miller as disclosing a towing post. However, the claims are not directed to a towing post but rather a specific placement of a towing post in reference to a rescue vessel that enables air lifting of a litter therefrom. Miller would not allow for any air

Appl. No.: 10/687,561  
Response dated October 16, 2006  
Reply to Office Action of June 14, 2006

lifting litter as the towing post of Miller block the deck area from the placement of the litter. Miller does not suggest the positioning of post in relation to open stern deck area, transom, propulsion units, fan tail, buoyancy chambers as claimed.

The Examiner relies upon Slikkers as showing a "fantail". However, claim 19 is not directed to a fan tail but rather a fan tail in combination with a specifically claimed open stern deck area, transom, v-hull bottom arrangement in combination with the placement of propulsion units below the fan tail and above the v-bottom that are mounted to the transom. Above the transom and fan tail are provided an open deck area that is specifically claimed as extending from the pilot house to the vessel stern and from port to starboard and being sized and shaped to enable air lift removal of a litter and injured person. The upper surface of the fan tail contributes to the open stern deck area while the lower surface helps support the floatation chambers while shielding the propulsion units.

The Examiner relies upon McVay in rejecting one of applicants dependent claims. McVay does not disclose the claimed open stern deck area, transom, and fan tail arrangement with floatation chambers and propulsion units of claims 1 and 24.

Based upon the above comments reconsideration and a Notice of Allowance are respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Appl. No.: 10/687,561  
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Reply to Office Action of June 14, 2006

Please charge any additional fees due or credit any overpayment to Deposit Account No.  
50-0694.

Respectfully submitted,

/smn/

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